

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

PHIL OTIS CROSS, SR.
ADC #132774

PLAINTIFF

V.

5:08CV00061 SWW/JTR

CORRECTIONAL MEDICAL SERVICES, INC.,
and DR. ROLAND ANDERSON

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Defendants' Motion to Dismiss (docket entry #50) is GRANTED, and this case is DISMISSED, WITHOUT PREJUDICE, due to Plaintiff's failure to timely and properly exhaust his administrative remedies.

2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *informa pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 22nd day of August, 2008.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE